

9D-HR-20193-DIV
PATENT**REMARKS**

The Office Action mailed August 24, 2004 has been carefully reviewed and the foregoing amendment is made in consequence thereof.

Claims 1-8 and 21-22 are now pending in this application. Claims 1-8 stand rejected. Claims 1 and 5 are amended. In addition to the amendments, Claims 1 and 5 have also been corrected to remove typographical errors noted by the Examiner in the Advisory Action dated November 1, 2004. The corrections are not presented as part of the amendments and no new matter is added.

New Claims 21 and 22 have been added. It is believed that no additional fee is required for newly added Claims 21 and 22.

The rejection of Claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by Linstromberg (U.S. Patent No. 3,855,812) is respectfully traversed.

Linstromberg describes a refrigerator (10) including a freezer space (12), including an ice maker (13), and a refrigerator space (14). The icemaker includes a mold (22) and a water supply valve (23) that delivers water through an inlet (24). Ice is delivered from the ice maker to a collecting bin (25) by movement of a transfer device (26) through the mold in a harvesting cycle. Control (28) includes a drive motor (29) that is controlled by a thermostat (32) that senses mold temperature to control the ice harvesting cycle, initiating the cycle by energizing a mold heater (34). A gang switch (35) includes single pole double throw switches (36) and (37), of which, switch (37) provides a power connection to a thermostat switch (38) that controls the parallel combination of a compressor (18), a condenser fan (39), and an evaporator fan (40).

Claim 1 recites an ice maker including "a mold comprising at least one cavity for containing water therein for freezing into ice; a water supply comprising at least one valve for

9D-HR-20193-DIV
PATENT

controlling water flow into said mold; an ice removal heating element operationally coupled to said mold; and an ice maker control system operationally coupled to said valve and said ice removal heating element and configured to control said valve; control said ice removal heating element; and provide a signal to a separate refrigerator control system, said refrigerator control system controlling an ice rate of the ice maker based on said signal”.

Linstromberg does not describe or suggest an icemaker that includes a mold including at least one cavity for containing water therein for freezing into ice, a water supply including at least one valve for controlling water flow into the mold, an ice removal heating element operationally coupled to the mold, and an ice maker control system operationally coupled to the valve and the ice removal heating element and wherein the control system is configured to control the valve, control the ice removal heating element, and provide a signal to a separate refrigerator control system, wherein the refrigerator control system controls an ice rate of the ice maker based on the signal. Moreover, Linstromberg does not describe or suggest an ice maker control system that provides a signal to a separate refrigerator control system wherein the refrigerator control system controls an ice rate of the ice maker based on the signal. Rather, Linstromberg describes a refrigeration system controlled by a thermostat switch from which power is diverted during defrost cycles.

Accordingly, for the reasons set forth above, Claim 1 is submitted to be patentable over Linstromberg.

Claims 2-4 depend from independent Claim 1. When the recitations of Claims 2-4 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-4 likewise are patentable over Linstromberg.

With particular regard to dependent Claims 2-4, Linstromberg makes no mention of an ice maker control system that transmits a signal to a refrigerator control system that a water valve is or was in an open state as recited in Claims 2 and 3. Further, Linstromberg makes no mention

9D-HR-20193-DIV
PATENT

of an ice maker control system that transmits a signal to a refrigerator control system that the ice removal heating element is energized as recited in Claim 4. Consequently, Applicant respectfully submits that Claims 2-4 are patentable over Linstromberg.

Claim 5 recites a refrigerator including "a fresh food compartment; a freezer compartment separated from said fresh food compartment by a mullion; an ice maker positioned within said freezer cavity; and a refrigerator control system configured to control a temperature of said freezer compartment and said fresh food compartment, said refrigerator control system configured to receive a signal from a separate ice maker control system, said refrigerator control system controlling an ice rate of said ice maker based on said signal".

Linstromberg does not describe or suggest a refrigerator including a fresh food compartment, a freezer compartment separated from said fresh food compartment by a mullion, an ice maker positioned within the freezer cavity, and a refrigerator control system configured to control a temperature of the freezer compartment and the fresh food compartment, and wherein the refrigerator control system is configured to receive a signal from a separate ice maker control system, and wherein the refrigerator control system controls an ice rate of the ice maker based on the signal. Moreover, Linstromberg does not describe or suggest a refrigerator control system that controls an ice rate of the ice maker based on a signal received from the ice maker control system. Rather, Linstromberg describes a refrigeration system controlled by a thermostat switch from which power is diverted during defrost cycles.

For the reasons set forth above, Claim 5 is submitted to be patentable over Linstromberg .

Claims 6-8 depend from independent Claim 5. When the recitations of Claims 6-8 are considered in combination with the recitations of Claim 5, Applicant submits that dependent Claims 6-8 likewise are patentable over Linstromberg .

9D-HR-20193-DIV
PATENT

With further regard to Claim 6, Linstromberg makes no mention of a refrigerator control system that controls the temperature of the freezer compartment based on a signal from an ice maker control system as recited in Claim 6.

With further regard to Claim 7, Linstromberg makes no mention of a freezer compartment that includes a fan controlled by the refrigerator control system based on a signal received from the ice maker control system as recited in Claim 7.

With further regard to Claim 8, Linstromberg makes no mention of a freezer compartment that includes a fan controlled by the refrigerator control system based on a signal that is representative of a user selected ice production mode as recited in Claim 8.

Accordingly, Applicant respectfully submits that Claims 6-8 are patentable over Linstromberg.

For the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1-8 be withdrawn.

New Claim 21 depends from Claim 1 which is submitted to be patentable as indicated above. Claim 22 is also submitted to be patentable.

Claim 22 recites an ice maker including "a mold comprising at least one cavity for containing water therein for freezing into ice; a water supply comprising at least one valve for controlling water flow into said mold; an ice removal heating element operationally coupled to said mold; and an ice maker control system operationally coupled to said valve and said ice removal heating element and configured to: control said valve; control said ice removal heating element; and provide a signal to a separate refrigerator control system, said signal comprising at least one of an indication that: said valve is in an open state; said valve was in an open state; and said ice removal heating element is energized".

9D-HR-20193-DIV
PATENT

Applicant respectfully submits that none of the cited art describes an ice maker wherein an ice maker control system provides a signal to a separate refrigerator control system that includes at least one of an indication that: the valve is in an open state, the valve was in an open state, and the ice removal heating element is energized. Accordingly, Applicant submits that Claim 22 is patentable over the cited art.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Thomas M. Fisher
Registration No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070